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FISCAL IMPACT STATEMENT

LS 6370

BILL NUMBER: SB 139

NOTE PREPARED: Feb 6, 2008

BILL AMENDED: Feb 5, 2008

SUBJECT: Violation of Probation and Home Detention.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR: Rep. Foley

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It specifies that a court may impose one or more sanctions on a probationer who violates the conditions of probation or home detention during the probationary period.
- B. It allows a sentencing court to place an offender who resides in a county adjacent to the county in which the sentencing court is located on home detention in the county where the offender resides if the offender is supervised by a community corrections program or probation department located in the county in which the sentencing court is located. It allows a court to place an offender who resides in a county that is not adjacent to the county in which the sentencing court is located on home detention in the county where the offender resides if the offender is: (1) eligible for home detention in the county in which the offender resides; and (2) supervised by a community corrections program or probation department located in the county in which the offender resides. It specifies that a probation department or community corrections program that supervises an offender on home detention is responsible for the expenses of the supervision.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *One or More Sanctions on a Probationer* – If offenders remain on probation for a longer period of time, courts may need more probation staff to supervise more offenders. Any effects of this bill would be at the court's discretion.

Under current law, when a court finds that a person who is on probation has violated a condition set by the court, the court can only impose one of the following sanctions:

1. Continue the person on probation with or without modifying or enlarging the conditions;
2. Extend the person's probationary period for not more than one year beyond the original probationary period; or
3. Order execution of all or part of the sentence that was suspended at the time of the initial hearing.

Under this bill, a court may impose one or more sanctions at the court's discretion.

As an example of the number of cases involved, the Division of State Court Administration reports that the number of persons who have had their probation revoked because they violated a condition of probation, committed a new crime, or absconded has increased 15% between 2002 and 2006.

Number of Persons Violating Probation, Committing a New Crime or Absconding by Calendar Year						
	2002	2003	2004	2005	2006	Change
Felonies	8,229	9,115	10,460	11,501	11,163	36%
Misdemeanors	13,967	16,952	16,759	16,437	14,383	3%
Total	22,196	26,067	27,219	27,938	25,546	15%

(Revised) *Offenders Residing in Counties Differing from the Counties of Sentencing Court* – The following table illustrates the changes proposed by this provision.

Offender's Residence	Offender Supervision Conducted By...	
	Current Law	Proposed Changes
Offender resides in county of sentencing court	... probation department or community corrections program in offender's residing county if offender is eligible for home detention in county of residence	No change
Offender resides in county adjacent to sentencing court	 probation department or community correction program in county of sentencing court
Offender resides in county not adjacent to sentencing court		No change

Depending on how many offenders are sentenced in counties that are adjacent to the county in which they live, some workload supervision would be redistributed among different counties.

Explanation of Local Revenues: *One or More Sanctions on a Probationer* – Probation departments may be able to collect more probation user fees if offenders remain on probation for longer periods.

(Revised) *Offenders Residing in Counties Differing from the Counties of Sentencing Court* – Like the workload supervision, probation user fees collected from offenders who live in adjacent counties would be

redistributed to counties supervising these offenders.

The following table shows the current schedule of probation user fees for adult felons and misdemeanants.

	Initial Fee	Administrative Fee	Monthly Fee
Felons	Between \$25 and \$100	\$100	Between \$15 and \$30
Misdemeanants	Maximum \$50	\$50	Between \$10 and \$20

State Agencies Affected:

Local Agencies Affected: Sentencing courts; Community corrections programs; Probation departments.

Information Sources: *Indiana Probation Reports 2002- 2006*; IC 35-38-2-1 – Fee schedule for offenders on probation.

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